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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FIVE

In re Matter of Estate of Rose  
Bozigian, Decedent.

ROSE D. BOZIGIAN, et al.

Respondents,

v.

ANJU MULTANI,

Appellant.

B289171

(Los Angeles County Super. Ct.  
Nos. VP013494 & VP011561)

APPEAL from orders and an order of the Superior Court of  
Los Angeles County, Mary Thornton House, Judge. Affirmed.

Anju Multani, in pro. per., for Appellant.

Susan Saputo, in pro. per., for Respondent.

Sandra Martin, in pro. per., for Respondent.

Anju Multani, an attorney who represented the executors of an estate in a probate proceeding, appeals the probate court's order denying her petition for attorney fees. She argues the court erred in not revisiting the issue of her fees after it had already approved a final accounting of the estate. She further contends the court abused its discretion in summarily denying her petition. We conclude her arguments are without merit, and affirm.

***FACTUAL AND PROCEDURAL BACKGROUND***

The underlying probate matter concerns the estate of Rose Bozigian, who died in December 2006. Multani represented respondents Susan Saputo and Sandra Martin in their capacity as executors of the estate. In April 2016, after respondents had substituted in new counsel, they filed a Petition for Approval of Final Account. Respondents' petition asked the court to order Multani to reimburse the estate with the legal fees Multani had been paid. Respondents claimed that Multani had "inappropriately invoiced and demanded payment of legal fees in the amount of \$39,219 without court approval."

On May 23, 2016, before respondents' final accounting had been heard, Multani filed a three-page "Petition for Settlement and Approval of Fees and Costs" seeking a determination that the fees she had already been paid by respondents were proper and asking for "more compensation as the work she performed was extraordinary." The court set her petition for hearing on December 7, 2016, while proceeding separately with respondents' request for an accounting. On November 1, 2016, in a final accounting, the court ordered Multani to return \$39,219 to the estate "less her share of statutory fees totaling \$6,339.95." That order was signed by Judge Daniel Murphy. On December 7, 2016, despite having already determined that Multani was only

entitled to \$6,339.95 in fees, the court held a hearing on Multani's petition and continued the matter to give Multani an opportunity to present additional evidence.

In March 2017, the court held a second hearing on Multani's petition. The court took the matter under submission and, on January 29, 2018, denied the petition on the ground that the issue of Multani's fees had already been resolved in the November 1, 2016 order. The order denying Multani's petition was signed by Judge Mary Thornton House. Judge House concluded she had no "power or jurisdiction" to change Judge Murphy's November 1, 2016 order. Eleven days later, on February 9, 2018, Multani filed a motion for reconsideration. On March 29, 2018, the court, again by Judge House, denied the motion. Multani filed a notice of appeal of the January 29, 2018 order the same day.

### ***DISCUSSION***

Multani argues the trial court erred in "summarily" dismissing her May 2016 petition for fees without a hearing. Multani further contends the court erred when it concluded that it could not consider her request for fees because another judge had already decided the amount of fees which Multani was awarded. We disagree with Multani's characterization of the record, and find the court did not abuse its discretion.

Compensation to an attorney for the personal representative of a decedent's estate is paid from the estate itself. (*Estate of Wong* (2012) 207 Cal.App.4th 366, 374.) "The rules governing compensation for attorney services for decedents' estates 'do not arise from contract but are founded upon statutory enactment.'" . . . Pursuant to Probate Code section 10810, the attorney's compensation for 'ordinary services' is . . .

calculated pursuant to a formula set forth in the statute. The probate court ‘must order compensation out of estate assets for routine probate services rendered by an executor’s attorney. [Citations.] Services that are not involved in the typical probate case, commonly known as “extraordinary services,” may be paid out of estate assets at the discretion of the probate court. [Citations.]’ [Citation.]” (*Id.* at p. 375.)

Here, after Judge Murphy had already determined that the \$39,219 in fees paid were unauthorized, Multani petitioned the court to award her “extraordinary” fees by (1) confirming that the \$39,219 she had been paid was proper, and (2) awarding her “further fees.” The trial court denied the petition on the ground that “the issue of Ms. Multani’s fees had already been determined” on November 1, 2016 when Judge Murphy approved the final account for the estate. Although Multani argues that the trial court’s November 1, 2016 accounting did not encompass the issue of her entitlement to extraordinary fees, the record does not support her claim.

In the final accounting of November 1, 2016, the trial court ordered Multani to reimburse the estate with the \$39,219 in fees she had been paid, and instead awarded her statutory fees of \$6,339.95. In doing so, the trial court accepted respondents’ evidence that Multani “inappropriately invoiced and demanded payment of legal fees in the amount of \$39,219 without court approval.” Succinctly, the court determined that Multani was not entitled to fees above the statutory amount. The trial court also found that Multani was given notice of the hearing on the accounting, and did not object to the order or move for reconsideration.

Multani argues to the contrary – she was not given notice of the hearing or the court’s order on the accounting. She does not, however, cite to anything in the record—such as a declaration or a proof of service—supporting this argument. Judge Murphy’s November 1, 2016 order on the final accounting expressly found “notice of the hearing on the Petition has regularly been given as prescribed by law.” Respondents’ final supplement to the final accounting expressly seeks disgorgement from Multani of her fees of \$39,219. According to the proof of service attached to the supplement, that document was served on Multani on September 29, 2016, more than one month before Judge Murphy’s order. Multani refers us to the court’s August 17, 2016 minute order for a hearing on a supplemental filing to the accounting wherein the court states that “the Court dispenses with notice to any un-noticed parties.” However, this does not show that Multani was considered an “un-noticed” party. Finally, we observe that the proof of service for the November 1, 2016 order indicates that Multani was served with the order.

On the merits of the court’s January 29, 2018 order denying her petition, Multani argues the court did not hold a hearing and did not consider the petition on its merits, abusing its discretion by summarily denying her petition. The record does not support this claim. The December 7, 2016 minute order states that there was a hearing on the matter at which Multani was present. The trial court found that “additional evidence” was “required to grant the matter . . . based upon the reading of the moving papers and consideration of all presented evidence.” At the continued hearing on March 16, 2017, the minute order indicates that Multani was present. We have no reporter’s transcript of either hearing so we do not know what was before the court on

these occasions. Thus, the record establishes Multani was present at multiple hearings on her petition, and the court considered the evidence presented. There was no summary dismissal of the petition.

Multani also challenges the denial of the motion for reconsideration: “An order denying a motion for reconsideration . . . is not separately appealable. However, if the order that was the subject of a motion for reconsideration is appealable, the denial of the motion for reconsideration is reviewable as part of an appeal from that order.” (Code Civ. Proc., § 1008, subd. (g).) Multani has not provided us with an adequate record by which we can evaluate that ruling. The motion and opposition are not included in the record, and there is no reporter’s transcript or other record of the oral proceedings on the motion. (See Cal. Rules of Court, rule 8.120(b).) As Multani has not provided an adequate record showing error, we cannot find error. (See *Mack v. All Counties Trustee Services, Inc.* (2018) 26 Cal.App.4th 935, 940.) “‘It is the duty of an appellant to provide an adequate record to the court establishing error. Failure to provide an adequate record on an issue requires that the issue be resolved against appellant.’” (*Ibid.*)

### ***DISPOSITION***

The order denying Multani’s petition is affirmed.  
Respondents are awarded their costs on appeal.

RUBIN, P. J.

WE CONCUR:

BAKER, J.

MOOR, J.